

CHAPTER 114

GOVERNMENT - STATE

HOUSE BILL 22-1270

BY REPRESENTATIVE(S) Woodrow, Catlin, Esgar, Gray, Herod, Jodeh, Mullica, Pico, Ricks, Snyder;
also SENATOR(S) Priola, Moreno.

AN ACT

CONCERNING MEASURES RELATED TO CHANGING "NAME-BASED CRIMINAL HISTORY RECORD CHECK" TO "NAME-BASED JUDICIAL RECORD CHECK" IN THE COLORADO REVISED STATUTES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 22-2-119.3, **amend** (2)(b)(III), (3), (4)(a), (6) introductory portion, and (6)(d) as follows:

22-2-119.3. Department of education - educator preparation program students - record check - fee - definitions. (2) On a form provided by the department, the student shall:

(b) Furnish the following information to the department:

(III) Any other information required by the department to release the results of a ~~criminal history~~ record check pursuant to this section.

(3) When the results of a fingerprint-based criminal history record check of a student performed pursuant to this section ~~reveals~~ REVEAL a record of arrest without a disposition, the department shall perform a name-based ~~criminal history~~ JUDICIAL record check of that student.

(4) (a) Within seven days ~~of~~ AFTER receiving the results of a ~~criminal history~~ record check conducted pursuant to this section, the department shall provide the results of ~~such criminal history~~ THE record check, to the extent permitted by state or federal law or regulation, to the educator preparation program in which the student is enrolled and to any school district or charter school that has made an inquiry to the department concerning the results of a ~~criminal history~~ record check

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

of a student who has been placed in the school district or charter school for field experiences.

(6) ~~For purposes of~~ AS USED IN this section, unless the context otherwise requires:

(d) "Name-based ~~criminal history~~ JUDICIAL record check" means a background check performed using judicial department records that includes an individual's conviction and final disposition of case records.

SECTION 2. In Colorado Revised Statutes, **amend** 5-19-206.5 as follows:

5-19-206.5. Name-based judicial record check. When the results of a fingerprint-based criminal history record check of an officer of the applicant or employee or agent of the applicant performed pursuant to section 5-19-206 (12) reveal a record of arrest without a disposition, the administrator shall require that person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 3. In Colorado Revised Statutes, 10-3-112, **amend** (1)(b)(II) as follows:

10-3-112. Directors - terms - election - conflicts of interest - recovery of profits. (1) (b) (II) When the results of a fingerprint-based criminal history record check of a person performed pursuant to this subsection (1)(b) reveal a record of arrest without a disposition, the commissioner shall require that person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 4. In Colorado Revised Statutes, 10-3-803, **amend** (3)(b) as follows:

10-3-803. Acquisition of control of or merger with domestic insurer - definitions. (3) (b) When the results of a fingerprint-based criminal history record check of a person performed pursuant to this subsection (3) reveal a record of arrest without a disposition, the commissioner shall require that person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 5. In Colorado Revised Statutes, 10-3-903.5, **amend** (7)(d)(I)(D) as follows:

10-3-903.5. Jurisdiction over providers of health-care benefits - rules. (7) (d) (I) A multiple employer welfare arrangement that meets the requirements specified in subsection (7)(c) of this section other than subsection (7)(c)(I) of this section may file an application for a waiver with the commissioner. A multiple employer welfare arrangement that meets the requirements specified in subsection (7)(c) of this section other than those specified in subsections (7)(c)(I) and (7)(c)(V)(B) of this section may also file an application for a waiver with the commissioner. The application must include:

(D) ~~Criminal~~ Background records. Each individual specified in subsection (7)(d)(I)(C) of this section shall submit a set of fingerprints to the commissioner.

The commissioner shall forward the fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. The multiple employer welfare arrangement shall bear only the actual costs of the record check. When the results of a fingerprint-based criminal history record check of an individual performed pursuant to this subsection (7)(d)(I)(D) reveal a record of arrest without a disposition, the commissioner shall require that individual to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 6. In Colorado Revised Statutes, 10-15-103, **amend** (1)(b)(I.5) as follows:

10-15-103. License procedure - records - examination of records - definition.

(1) (b) (I.5) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (1)(b) reveal a record of arrest without a disposition, the commissioner shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 7. In Colorado Revised Statutes, 10-23-103, **amend** (2)(b) as follows:

10-23-103. Registration requirements - application - qualification bond - forfeiture.

(2) (b) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (2) reveal a record of arrest without a disposition, the division shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 8. In Colorado Revised Statutes, **amend** 11-110-107.5 as follows:

11-110-107.5. Name-based judicial record check. When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to section 11-110-107 (1)(e) reveal a record of arrest without a disposition, the banking board shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The applicant shall pay the actual costs of the name-based ~~criminal history~~ JUDICIAL record check.

SECTION 9. In Colorado Revised Statutes, 12-10-203, **amend** (1)(b)(I) as follows:

12-10-203. Application for license - rules - definition. (1) (b) (I) Prior to submitting an application for a license pursuant to subsection (1)(a) of this section, each applicant shall submit a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. The applicant shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. Upon completion of

the FINGERPRINT-BASED criminal history record check, the bureau shall forward the results to the commission. The commission shall acquire a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for an applicant who has ~~twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable or when the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (1)(b)(f) reveal~~ a record of arrest without a disposition. The applicant shall pay the costs associated with a name-based ~~criminal history~~ JUDICIAL record check.

SECTION 10. In Colorado Revised Statutes, 12-10-606, **amend** (6) as follows:

12-10-606. Qualifications for licensing and certification of appraisers - continuing education - rules - definitions. (6) (a) The board shall not issue a license or certification until the applicant demonstrates that ~~he or she~~ THE APPLICANT meets the fitness standards established by board rule and submits a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Each person submitting a set of fingerprints shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. Upon completion of the FINGERPRINT-BASED criminal history record check, the bureau shall forward the results to the board. The board shall require a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for an applicant who has ~~twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable or when the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (6) reveal~~ a record of arrest without a disposition. The applicant shall pay the costs associated with a name-based ~~criminal history~~ JUDICIAL record check. The board may deny an application for licensure or certification based on the outcome of the ~~criminal history~~ record check and may establish criminal history requirements more stringent than those established by any applicable federal law. At a minimum, the board shall adopt the criminal history requirements established by any applicable federal law.

(b) An applicant for certification as a licensed ad valorem appraiser is not subject to the fingerprinting and ~~criminal~~ background check requirements of subsection (6)(a) of this section.

SECTION 11. In Colorado Revised Statutes, 12-10-607, **amend** (3) as follows:

12-10-607. Appraisal management companies - application for license - exemptions. (3) The board shall not issue a license to any partnership, limited liability company, or corporation unless and until the appraiser designated by the partnership, limited liability company, or corporation as controlling appraiser and each individual who owns more than ten percent of the entity demonstrates that ~~he or she~~ THE PERSON meets the fitness standards established by board rule and submits a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Each person submitting a set of fingerprints shall pay the fee

established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. Upon completion of the FINGERPRINT-BASED criminal history record check, the bureau shall forward the results to the board. The board shall require a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for an applicant who has ~~twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable or when the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (3) reveal~~ a record of arrest without a disposition. The applicant shall pay the costs associated with a name-based ~~criminal history~~ JUDICIAL record check. The board may deny an application for licensure or refuse to renew a license based on the outcome of the ~~criminal history~~ record check. The board may require criminal history requirements more stringent than those established by any applicable federal law. At a minimum, the board shall adopt the criminal history requirements established by any applicable federal law.

SECTION 12. In Colorado Revised Statutes, 12-10-610, **amend** (4) as follows:

12-10-610. Expiration of licenses - renewal - penalties - fees - rules. (4) At the time of renewal or reinstatement, every licensee, certificate holder, and person or individual who owns more than ten percent of an appraisal management company shall submit a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation, if the person has not previously done so for issuance of a license or certification by the board. Each person submitting a set of fingerprints shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. The bureau shall forward the results to the board. The board shall require a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for an applicant who has ~~twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable or when the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal~~ a record of arrest without a disposition. The applicant shall pay the costs associated with a name-based ~~criminal history~~ JUDICIAL record check. The board may refuse to renew or reinstate a license or certification based on the outcome of the ~~criminal history~~ record check.

SECTION 13. In Colorado Revised Statutes, 12-10-704, **amend** (6)(a) and (7)(c) as follows:

12-10-704. License required - rules. (6) (a) Prior to submitting an application for a license, an applicant shall submit a set of fingerprints to the Colorado bureau of investigation. Upon receipt of the applicant's fingerprints, the Colorado bureau of investigation shall use the fingerprints to conduct a state and national criminal history record check using records of the Colorado bureau of investigation and the federal bureau of investigation. All costs arising from the FINGERPRINT-BASED criminal history record check must be borne by the applicant and must be paid when the set of fingerprints is submitted. Upon completion of the FINGERPRINT-BASED criminal history record check, the bureau shall forward the results to the board. The board shall acquire a name-based ~~criminal history~~ JUDICIAL record check, as defined

in section 22-2-119.3 (6)(d), for an applicant who has ~~twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable or when the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (6) reveal a record of arrest without a disposition.~~ The applicant shall pay the costs associated with a name-based ~~criminal history~~ JUDICIAL record check.

(7) (c) The board shall acquire a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for an applicant who has ~~twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable or when the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (7) reveal a record of arrest without a disposition.~~ The applicant shall pay the costs associated with a name-based ~~criminal history~~ JUDICIAL record check.

SECTION 14. In Colorado Revised Statutes, 12-235-108, **amend** (2.5) as follows:

12-235-108. License - denial of license application. (2.5) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition, the director shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 15. In Colorado Revised Statutes, 12-245-304, **amend** (1)(f) as follows:

12-245-304. Qualifications - examinations - licensure and registration. (1) The board shall issue a license as a psychologist to each applicant who files an application in a form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and furnishes evidence satisfactory to the board that the applicant:

(f) On and after July 14, 2020, upon the initial application for licensure, has completed a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), with satisfactory results as determined by the board.

SECTION 16. In Colorado Revised Statutes, 12-280-304, **amend** (2) as follows:

12-280-304. Record check. (2) When the results of a fingerprint-based criminal history record check of a designated representative performed pursuant to this section reveal a record of arrest without a disposition, the board shall require that designated representative to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The designated representative shall pay the actual costs of the name-based ~~criminal history~~ JUDICIAL record check.

SECTION 17. In Colorado Revised Statutes, 12-310-107, **amend** (2) as follows:

12-310-107. Record check required. (2) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition, the director shall require that

applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The applicant shall pay the actual costs of the name-based ~~criminal history~~ JUDICIAL record check.

SECTION 18. In Colorado Revised Statutes, 13-93-101, **amend** (3) as follows:

13-93-101. License to practice necessary. (3) Upon request of the supreme court or a representative of its office of attorney regulation counsel, the ~~Colorado bureau of investigation~~ APPLICANT shall also provide a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), ~~for any~~ IF THE applicant ~~whose fingerprints are unclassifiable or when the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal~~ HAS a record of arrest without a disposition.

SECTION 19. In Colorado Revised Statutes, 14-10-116.5, **amend** (4)(b) as follows:

14-10-116.5. Appointment in domestic relations cases - child and family investigator - disclosure - background check. (4) (b) ~~For any person whose fingerprints are unclassifiable or when~~ WHEN the results of a fingerprint-based criminal history record check of a person performed pursuant to this section reveal a record of arrest without a disposition, the department shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). Upon request of the department pursuant to this section, the ~~Colorado bureau of investigation~~ APPLICANT shall also provide a name-based ~~criminal history~~ JUDICIAL record check. ~~for any person.~~

SECTION 20. In Colorado Revised Statutes, 15-14-110, **amend** (5)(b) as follows:

15-14-110. Letters of office. (5) (b) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (5) reveal a record of arrest without a disposition, the court shall require that nominee to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The applicant is responsible for the cost of the name-based ~~criminal history~~ JUDICIAL record check.

SECTION 21. In Colorado Revised Statutes, 19-2.5-1521, **amend** (4) as follows:

19-2.5-1521. Juvenile facility - contract for operation. (4) The contractor shall require applicants for employment at the facility to submit a set of fingerprints to the Colorado bureau of investigation for a fingerprint-based criminal history record check, and the Colorado bureau of investigation may accept ~~such~~ THE fingerprints. For the purpose of conducting a fingerprint-based criminal history record check, to the extent authorized by federal law, the Colorado bureau of investigation may exchange with the department of human services any state, multistate, and federal criminal history records of individuals who apply for employment at the facility. When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition, the contractor shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 22. In Colorado Revised Statutes, 22-1-121, **amend** (1.7)(a.5) and (1.7)(b) as follows:

22-1-121. Nonpublic schools - employment of personnel - notification by department of education. (1.7) (a.5) When the results of a fingerprint-based criminal history record check of an applicant or employee performed pursuant to this section reveal a record of arrest without a disposition, the governing board shall require that applicant or employee to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

(b) All costs arising from a fingerprint-based criminal history record check performed by the Colorado bureau of investigation and the federal bureau of investigation pursuant to ~~the provisions of~~ this section or a name-based ~~criminal history~~ JUDICIAL record check performed pursuant to this section must be borne by the nonpublic school. ~~Such~~ THE costs may be passed on to the employee or the prospective employee.

SECTION 23. In Colorado Revised Statutes, 22-30.5-110.5, **amend** (2)(b)(I) and (2)(b)(II) introductory portion as follows:

22-30.5-110.5. Background investigation - charter school employees - information provided to department - definitions. (2) The background investigation of an applicant, at a minimum, must include:

(b) (I) A fingerprint-based criminal history record check and, if necessary, a name-based ~~criminal history~~ JUDICIAL record check, as described in section 22-30.5-110.7.

(II) The ~~criminal history~~ record check shall be designed to determine, at a minimum, whether the applicant has been convicted of, pled nolo contendere or guilty to, or received a deferred sentence or deferred prosecution for:

SECTION 24. In Colorado Revised Statutes, 22-30.5-110.7, **amend** (4)(b), (5)(a) introductory portion, (6)(b), (6.5), and (9)(b) as follows:

22-30.5-110.7. Fingerprint-based criminal history record checks - charter school employees - procedures - exceptions - definitions. (4) (b) When the results of a fingerprint-based criminal history record check of an employee performed pursuant to this subsection (4) reveal a record of arrest without a disposition, the charter school shall require that employee to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

(5) (a) A charter school may employ a person in the charter school prior to receiving the results of the person's fingerprint-based criminal history record check or name-based ~~criminal history~~ JUDICIAL record check; except that:

(6) (b) When the results of a fingerprint-based criminal history record check of an employee performed pursuant to subsection (6)(a) of this section reveal a record of arrest without a disposition, the charter school shall require that employee to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

(6.5) An employee or an applicant for employment with a charter school is disqualified from employment if the results of a fingerprint-based criminal history record check or name-based ~~criminal history~~ JUDICIAL record check completed on or after August 10, 2011, disclose a conviction for an offense described in section 22-32-109.8 (6.5). Nothing in this section or in section 22-32-109.8 creates for a person a property right in or entitlement to employment or continued employment with a charter school or impairs a charter school's right to terminate employment for a nondiscriminatory reason.

(9) (b) The employing charter school shall be responsible for costs arising from a name-based ~~criminal history~~ JUDICIAL record check performed pursuant to this section. The charter school may collect the costs from the employee or the prospective employee.

SECTION 25. In Colorado Revised Statutes, 22-30.5-511.5, **amend** (1), (2), and (2.5) as follows:

22-30.5-511.5. Background investigation - prohibition against employing persons - institute charter school employees' information provided to department. (1) An institute charter school shall conduct a background investigation, including a fingerprint-based criminal history record check, as described in sections 22-30.5-110.5 and 22-30.5-110.7, of an applicant to whom an offer of employment is extended by the institute charter school to determine whether the applicant is suitable to work in an environment with children. An applicant who applies for a position of employment with an institute charter school shall submit to a background investigation, including a fingerprint-based criminal history record check, and, as necessary, a name-based ~~criminal history~~ JUDICIAL record check, as described in sections 22-30.5-110.5 and 22-30.5-110.7.

(2) When an institute charter school finds good cause to believe that a person employed by the institute charter school has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense or traffic infraction subsequent to such employment, the institute charter school shall require the person to submit to the institute charter school a complete set of ~~his or her~~ THE PERSON'S fingerprints for a fingerprint-based criminal history record check and, as necessary, a name-based ~~criminal history~~ JUDICIAL record check, as described in section 22-30.5-110.7 (6).

(2.5) An employee or an applicant for employment with an institute charter school is disqualified from employment if the results of a fingerprint-based criminal history record check or a name-based ~~criminal history~~ JUDICIAL record check completed on or after August 10, 2011, disclose a conviction for an offense described in section 22-32-109.8 (6.5). Nothing in this section or in section 22-32-109.8 creates for a person a property right in or entitlement to employment or continued employment with an institute charter school or impairs an institute charter school's right to terminate employment for a nondiscriminatory reason.

SECTION 26. In Colorado Revised Statutes, 22-30.7-111, **amend** (1)(b)(VII) as follows:

22-30.7-111. Learning centers - memoranda of understanding - rules -

appeal process. (1) (b) A multi-district online school that intends to provide instruction to students within a learning center shall notify the school district in which the proposed learning center is located of the multi-district online school's intention in writing at least ninety days before the multi-district online school intends to commence providing such instruction. The notice must include the standard MOU form that addresses, at a minimum, the following information as it applies to each learning center to be located within the school district:

(VII) Measures to ensure compliance with state and federal laws concerning educator licensing, fingerprint-based criminal history record checks, and name-based ~~criminal history~~ JUDICIAL record checks;

SECTION 27. In Colorado Revised Statutes, 22-32-109.8, **amend** (4)(b), (5)(a) introductory portion, (5)(a)(II), and (6)(a.5) as follows:

22-32-109.8. Applicants selected for nonlicensed positions - submittal of form and fingerprints - prohibition against employing persons - department database. (4) (b) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (4) reveal a record of arrest without a disposition, the school district shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

(5) (a) A school district may employ a person in a nonlicensed position in the school district prior to receiving the results regarding the selected applicant's fingerprint-based CRIMINAL HISTORY RECORD CHECK or name-based ~~criminal history~~ JUDICIAL record check; however:

(II) The school district shall terminate the person's employment if the results of a fingerprint-based criminal history record check or name-based ~~criminal history~~ JUDICIAL record check completed on or after August 10, 2011, disclose a conviction for an offense described in subsection (6.5) of this section.

(6) (a.5) When the results of a fingerprint-based criminal history record check of an employee performed pursuant to this subsection (6) reveal a record of arrest without a disposition, the school district shall require that employee to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 28. In Colorado Revised Statutes, 22-32-109.9, **amend** (2)(b) and (3) as follows:

22-32-109.9. Licensed personnel - submittal of fingerprints. (2) (b) When the results of a fingerprint-based criminal history record check of an employee performed pursuant to this section reveal a record of arrest without a disposition, the school district shall require that employee to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

(3) All costs arising from the taking of fingerprints and from any fingerprint processing performed by the Colorado bureau of investigation pursuant to ~~the provisions of~~ subsection (1) of this section and costs arising from the performance

of a name-based ~~criminal history~~ JUDICIAL record check must be borne by school districts. School districts shall not charge licensed personnel any fees for the direct and indirect costs of ~~such~~ THE school district for fingerprint processing or criminal history record checks performed pursuant to ~~the provisions of~~ subsection (1) of this section.

SECTION 29. In Colorado Revised Statutes, 22-60.5-103, **amend** (7) as follows:

22-60.5-103. Applicants - licenses - authorizations - submittal of form and fingerprints - failure to comply constitutes grounds for denial. (7) When the results of a fingerprint-based criminal history record check of an applicant or a search of any other source of criminal history information performed pursuant to this section reveals a record of arrest without a disposition, the department of education shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 30. In Colorado Revised Statutes, 22-62-103.5, **amend** (1) as follows:

22-62-103.5. Record checks - definition. (1) A school district or charter school that requires a fingerprint-based criminal history record check or a name-based ~~criminal history~~ JUDICIAL record check for a student enrolled in an educator preparation program who applies for field experiences within the school district or charter school must accept the results of a fingerprint-based criminal history record check or a name-based ~~criminal history~~ JUDICIAL record check performed pursuant to section 22-2-119.3 as satisfaction of the requirement.

SECTION 31. In Colorado Revised Statutes, 23-64-110, **amend** (1)(a)(II) as follows:

23-64-110. Submittal of fingerprints for persons teaching at designated schools - fingerprint-based criminal history record checks - prerequisite for commencing or continuing employment. (1) (a) (II) When the results of a fingerprint-based criminal history record check of instructional staff or prospective instructional staff performed pursuant to this section reveal a record of arrest without a disposition, the board shall require the instructional staff or prospective instructional staff to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). Instructional staff or prospective instructional staff shall pay the fee established by the board for conducting the named-based ~~criminal history~~ JUDICIAL record check.

SECTION 32. In Colorado Revised Statutes, 24-31-304, **amend** (3)(b) as follows:

24-31-304. Applicant for training - fingerprint-based criminal history record check. (3) (b) When the results of a fingerprint-based criminal history record check of a person seeking to enroll in a training academy performed pursuant to this section reveal a record of arrest without a disposition, the P.O.S.T. board shall require that person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 33. In Colorado Revised Statutes, 24-31-702, **amend** (2)(f) as

follows:

24-31-702. Colorado domestic violence fatality review board - creation - membership - purpose - duties. (2) (f) Before commencing ~~his or her~~ service on the review team, each member shall submit ~~his or her~~ THE MEMBER'S fingerprints to the Colorado bureau of investigation for the purposes of a criminal background check. The bureau shall forward the results of each background check to the attorney general. When the results of a fingerprint-based criminal history record check of a member performed pursuant to this section reveal a record of arrest without a disposition, the attorney general shall require that member to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 34. In Colorado Revised Statutes, 24-33.5-705.5, **amend** (4)(b) as follows:

24-33.5-705.5. Auxiliary emergency communications unit - powers and duties of unit and office of emergency management regarding auxiliary communications - definitions. (4) In connection with the powers and duties of the unit as specified in this section, the director of the office may:

(b) Conduct criminal background investigations on candidates for credentialing as auxiliary emergency communicators in accordance with the security needs of the department. When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition, the director shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The unit may deny credentialing to any candidate based upon the results of a background check.

SECTION 35. In Colorado Revised Statutes, **amend** 24-50-1002 as follows:

24-50-1002. State agencies with access to federal tax information - authorization for background checks - procedure - costs. (1) Each applicant, state employee, state contractor, or other individual who has or may have access through a state agency to federal tax information received from the federal government shall submit a complete set of ~~his or her~~ THE PERSON'S fingerprints to the state agency. The state agency shall submit the fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The state agency shall acquire a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for an applicant, state employee, state contractor, or other individual who has ~~twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable or when the results of a fingerprint-based criminal history record check of a person performed pursuant to this section reveal a record of arrest without a disposition.~~ The state agency may collect the fingerprints of the applicant, state employee, state contractor, or other individual or may use the fingerprinting services of another state agency or other entity authorized to collect fingerprints for the purpose of conducting

fingerprint-based criminal history record checks.

(2) The state agency shall use the information resulting from the fingerprint-based ~~CRIMINAL HISTORY RECORD CHECK~~ or name-based ~~criminal history~~ JUDICIAL record check to investigate and determine whether the applicant, state employee, state contractor, or other individual is qualified to have access to federal tax information in accordance with federal internal revenue service publication 1075. The state agency may verify the information an individual is required to submit. The state agency shall deny access to federal tax information received from the federal government to an applicant, state employee, state contractor, or other individual who does not pass the ~~criminal history~~ record check required by this section.

(3) The state agency shall pay the costs associated with fingerprint-based criminal history record checks to the Colorado bureau of investigation and pay the costs associated with a name-based ~~criminal history~~ JUDICIAL record check.

SECTION 36. In Colorado Revised Statutes, 24-50-1003, **amend** (2), (3), and (4) as follows:

24-50-1003. County departments with access to federal tax information - authorization for background checks - procedure - costs. (2) Each applicant, county employee, county contractor, or other individual who has or may have access to federal tax information subject to an agreement authorized under subsection (1) of this section shall submit a complete set of ~~his or her~~ THE PERSON'S fingerprints to the county department. The county department shall submit the fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The county department shall acquire a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for an applicant, county employee, county contractor, or other individual who has ~~twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable or when the results of a fingerprint-based criminal history record check of a person performed pursuant to this section reveal~~ a record of arrest without a disposition.

(3) The county department shall use the information resulting from the fingerprint-based ~~CRIMINAL HISTORY RECORD CHECK~~ or name-based ~~criminal history~~ JUDICIAL record check to investigate and determine whether the applicant, county employee, county contractor, or other individual is qualified to have access to the shared federal tax information in accordance with federal internal revenue service publication 1075. The county department may verify the information an individual is required to submit. The county department shall deny access to the shared federal tax information to an applicant, county employee, county contractor, or other individual who does not pass the ~~criminal history~~ record check required in accordance with this section.

(4) The county department shall pay the costs associated with fingerprint-based criminal history record checks to the Colorado bureau of investigation and pay the costs associated with a name-based ~~criminal history~~ JUDICIAL record check.

SECTION 37. In Colorado Revised Statutes, 25-1-124.5, **amend** (1) and (3) as follows:

25-1-124.5. Nursing care facilities - employees - record check - adult protective services data system check - definition. (1) On and after September 1, 1996, prior to employing any person, a nursing care facility or the person seeking employment at a nursing care facility shall make an inquiry to the director of the Colorado bureau of investigation or to private criminal background check companies authorized to do business in the state of Colorado to ascertain whether ~~such~~ THE person has a criminal history, including arrest and conviction records. The Colorado bureau of investigation or private criminal background check companies are authorized to utilize fingerprints to ascertain from the federal bureau of investigation whether ~~such~~ THE person has a criminal history record. When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition, the nursing care facility shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The nursing care facility or the person seeking employment in a nursing care facility shall pay the costs of an inquiry or a name-based ~~criminal history~~ JUDICIAL record check performed pursuant to this section. The ~~criminal history~~ record check must be conducted not more than ninety days prior to the employment of the applicant. For purposes of this section, criminal background check companies must be approved by the state board of nursing. In approving ~~such~~ THE companies, approval must be based upon the provision of lawfully available, accurate, and thorough information pertaining to criminal histories, including arrest and conviction records.

(3) In addition to the ~~criminal history~~ background check required pursuant to this section, on and after January 1, 2019, prior to employment, a nursing care facility shall submit the name of a person who will be providing direct care, as defined in section 26-3.1-101 (3.5), to an at-risk adult, as defined in section 26-3.1-101 (1.5), as well as any other required identifying information, to the department of human services for a check of the Colorado adult protective services data system pursuant to section 26-3.1-111, to determine if the person is substantiated in a case of mistreatment of an at-risk adult.

SECTION 38. In Colorado Revised Statutes, 25-1.5-302, **amend** (8) as follows:

25-1.5-302. Administration of medications - powers and duties of department - record checks. (8) Each owner, operator, or supervisor of a facility who employs a person who is not licensed to administer medications shall conduct a criminal background check on each employee prior to employment or promotion to a position in which the person has access to medications. When the results of a fingerprint-based criminal history record check of an employee performed pursuant to this section reveal a record of arrest without a disposition, the owner, operator, or supervisor of the facility shall require that employee to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 39. In Colorado Revised Statutes, 25-3.5-203, **amend** (1)(c)(III), (4)(a), (4)(f)(II), and (4)(g) as follows:

25-3.5-203. Emergency medical service providers - licensure - renewal of

license - duties of department - rules - record checks - definitions.

(1) (c) (III) The department may issue a provisional certification or license to an applicant whose fingerprint-based criminal history record check has not yet been completed. The department shall require the applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check prior to issuing a provisional certification or license.

(4) (a) The department shall require a certification or licensure applicant to submit to a federal bureau of investigation fingerprint-based national criminal history record check from the Colorado bureau of investigation to investigate the applicant for an emergency medical service provider certificate or license. The department may acquire a name-based ~~criminal history~~ JUDICIAL record check for a certificate or license applicant. ~~who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~

(f) If an applicant for certification or licensure renewal has lived in Colorado for:

(II) Three years or less at the time of certification or licensure renewal and submitted to a federal bureau of investigation fingerprint-based national criminal history record check at the time of initial certification or licensure or a previous renewal of certification or licensure, the applicant shall submit to another federal bureau of investigation fingerprint-based national criminal history record check from the Colorado bureau of investigation; except that the department may acquire a state name-based ~~criminal history~~ JUDICIAL record check for an applicant. ~~who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~

(g) When the results of a fingerprint-based criminal history record check of a person performed pursuant to this subsection (4) reveal a record of arrest without a disposition, the department, government entity, or private, not-for-profit, or for-profit organization that required the fingerprint-based criminal history record check shall require that person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 40. In Colorado Revised Statutes, 25-3.5-1103, **amend** (4)(c) and (5) as follows:

25-3.5-1103. Registration - rules - funds. (4) (c) The department may issue a provisional registration to an applicant whose fingerprint-based criminal history record check has not yet been completed. The department shall require the applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check prior to issuing a provisional registration.

(5) (a) The department shall acquire a fingerprint-based criminal history record check from the Colorado bureau of investigation to investigate the holder of or applicant for an emergency medical responder registration. The department may acquire a name-based ~~criminal history~~ JUDICIAL record check for a registrant or an applicant. ~~who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~ Notwithstanding ~~paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b) OF THIS SECTION, if a person submitted to a fingerprint-based criminal history record check at the time of initial registration or

registration renewal, the person ~~shall not be~~ IS NOT required to submit to a subsequent fingerprint-based criminal history record check.

(b) If, at the time of application for registry or for renewal, an individual has lived in the state for three years or less, the department shall require the applicant to submit to a federal bureau of investigation fingerprint-based national criminal history record check; except that the department may acquire a national name-based ~~criminal history~~ JUDICIAL record check for an applicant. ~~who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~ The department ~~shall be~~ is the authorized agency to receive and disseminate information regarding the result of any national criminal history record check.

(c) When the results of a fingerprint-based criminal history record check of a person performed pursuant to this subsection (5) reveal a record of arrest without a disposition, the department shall require that person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 41. In Colorado Revised Statutes, 25-3.5-1305, **amend** (3)(a)(III), (3)(a)(IV), and (3)(b) as follows:

25-3.5-1305. License - application - inspection - record check - issuance. (3) (a) (III) The department may acquire a name-based ~~criminal history~~ JUDICIAL record check for an owner, manager, or administrator. ~~who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~

(IV) When the results of a fingerprint-based criminal history record check of a person performed pursuant to this subsection (3) reveal a record of arrest without a disposition, the department shall require that person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

(b) The department may deny a license or renewal of a license if the results of a ~~criminal history~~ record check of an owner, manager, or administrator demonstrates that the owner, manager, or administrator has been convicted of a felony or a misdemeanor involving conduct that the department determines could pose a risk to the health, safety, or welfare of community integrated health-care service consumers.

SECTION 42. In Colorado Revised Statutes, 25-27-105, **amend** (2.5)(a.7) as follows:

25-27-105. License - application - inspection - issuance. (2.5) (a.7) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition, the department shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 43. In Colorado Revised Statutes, 25-27.5-106, **amend** (3), (6), and (7) as follows:

25-27.5-106. License or registration - application - inspection - issuance - rules. (3) (a) With the submission of an application for a license or registration granted pursuant to this ~~article~~ ARTICLE 27.5 or within ten days after a change in the owner, manager, or administrator, each owner of a home care agency or home care placement agency and each manager or administrator of a home care agency or home care placement agency must submit a complete set of ~~his or her~~ THE PERSON'S fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Each owner and each manager or administrator is responsible for paying the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. Upon completion of the FINGERPRINT-BASED criminal history record check, the bureau shall forward the results to the department. ~~The department may acquire a name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~

(a.5) When the results of a fingerprint-based criminal history record check of a person performed pursuant to this subsection (3) reveal a record of arrest without a disposition, the department shall require that person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

(b) The department shall use the information from the ~~criminal history~~ record check in ascertaining whether the person applying for licensure or registration has been convicted of a felony or of a misdemeanor, which felony or misdemeanor involves conduct that the department determines could pose a risk to the health, safety, or welfare of home care consumers of the home care agency or home care placement agency. The department shall maintain information obtained in accordance with this section.

(6) The department may issue a provisional license to an applicant for the purpose of operating a home care agency for a period of ninety days if the applicant is temporarily unable to conform to all of the minimum standards required under this ~~article~~ ARTICLE 27.5; except that no license shall be issued to an applicant if the operation of the applicant's home care agency will adversely affect the health, safety, or welfare of the home care consumers of such home care agency. As a condition of obtaining a provisional license, the applicant shall show proof to the department that attempts are being made to conform and comply with applicable standards. No provisional license shall be granted prior to the completion of a ~~criminal~~ background check in accordance with subsection (3) of this section and a finding in accordance with subsection (4) of this section. A second provisional license may be issued, for a like term and fee, to effect compliance. No further provisional licenses may be issued for the current year after the second issuance.

(7) If requested by the Colorado department of health care policy and financing, the department may issue a provisional license for a period of ninety days to an agency that has applied to be a certified home care agency as defined in section 25-27.5-102. A provisional license shall not be granted prior to the completion of a ~~criminal history~~ record check in accordance with subsection (3) of this section and a finding in accordance with subsection (4) of this section. A second provisional

license may be issued, for a like term and fee, to effect compliance. No further provisional licenses may be issued for the current year after the second issuance.

SECTION 44. In Colorado Revised Statutes, 25-27.6-106, **amend** (3) and (6) as follows:

25-27.6-106. License - application - inspection - issuance. (3) (a) With the submission of an application for a license to operate a behavioral health entity, or within ten days after a change in owner or manager of a behavioral health entity, each owner and manager shall submit a complete set of ~~his or her~~ THE PERSON'S fingerprints to the Colorado bureau of investigation for the purpose of conducting a fingerprint-based criminal history record check. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. Each owner and each manager shall pay the bureau the costs associated with the fingerprint-based criminal history record check. Upon completion of the FINGERPRINT-BASED criminal history record check, the bureau shall forward the results to the department. ~~The department may acquire a name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~ WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

(b) The department shall use the information from the ~~criminal history~~ record checks performed pursuant to subsection (3)(a) of this section to determine whether the person applying for licensure has been convicted of a felony or misdemeanor that involves conduct that the department determines could pose a risk to the health, safety, or welfare of behavioral health entity consumers. The department shall keep information obtained in accordance with this section confidential.

(6) The department may issue a provisional license to operate a behavioral health entity to an applicant for the purpose of operating a behavioral health entity for a period of ninety days if the applicant is temporarily unable to conform to all of the minimum standards required pursuant to this article 27.6; except that the department shall not issue a provisional license to an applicant if the operation of the behavioral health entity will adversely affect the health, safety, or welfare of the consumers of the behavioral health entity. As a condition of obtaining a provisional license, the applicant shall show proof to the department that attempts are being made to conform and comply with the applicable standards required pursuant to this article 27.6. The department shall not grant a provisional license prior to the completion of a ~~criminal~~ background check in accordance with subsection (3) of this section and a determination in accordance with subsection (4) of this section. A second provisional license may be issued, for a like term and fee, to effect compliance. No further provisional licenses may be issued for the current year after the second issuance.

SECTION 45. In Colorado Revised Statutes, 26-3.1-107, **amend** (1) as follows:

26-3.1-107. Background check - adult protective services data system check.

(1) Each county department shall require each protective services employee hired on or after May 29, 2012, to complete a fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation. The employee shall pay the cost of the fingerprint-based criminal history record check unless the county department chooses to pay the cost. Upon completion of the FINGERPRINT-BASED criminal history record check, the Colorado bureau of investigation shall forward the results to the county department. The county department shall require a name-based ~~criminal history~~ JUDICIAL record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant or an employee ~~who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable or~~ when the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition. ~~as defined in section 22-2-119.3 (6)(d).~~

SECTION 46. In Colorado Revised Statutes, 26-6-103.3, **amend** (2) as follows:

26-6-103.3. Substitute child care providers - substitute placement agency - licensing - rules. (2) The state board shall promulgate rules for substitute placement agencies and substitute child care providers. At a minimum, state board rules must require that the substitute child care provider demonstrate that ~~he or she~~ THE PROVIDER has the training and certification for the child care license type and position in which the substitute child care provider is placed. Pursuant to section 26-6-107 (1)(a)(I)(C), each substitute child care provider shall pay for and submit to a fingerprint-based criminal history record check and a review of the records and reports of child abuse or neglect maintained by the state department to determine whether the substitute child care provider has been found to be responsible in a confirmed report of child abuse or neglect. When the results of a fingerprint-based criminal history record check or any other records check performed on a person pursuant to this subsection (2) reveal a record of arrest without a disposition, the state board shall require that person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The substitute placement agency shall not place a substitute child care provider who is convicted of any of the crimes specified in section 26-6-104 (7) or ~~section~~ 26-6-108.

SECTION 47. In Colorado Revised Statutes, 26-6-103.5, **amend** (2)(f)(V) as follows:

26-6-103.5. Application of part - guest child care facilities - public services short-term child care facilities - definition. (2) A person or entity shall not operate a guest child care facility or a public services short-term child care facility unless the following requirements are met:

(f) (V) When the results of a fingerprint-based criminal history record check or any other records check performed pursuant to this subsection (2)(f) reveal a record of arrest without a disposition, the guest child care facility or public services short-term child care facility shall require the supervisory employee or applicant for a supervisory employee position to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d);

SECTION 48. In Colorado Revised Statutes, 26-6-104, **amend** (7.5)(b) as follows:

26-6-104. Licenses - out-of-state notices and consent - demonstration pilot program - definition - rules. (7.5) (b) When the results of a fingerprint-based criminal history record check performed pursuant to this subsection (7.5) reveal a record of arrest without a disposition, the state department shall require the person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The costs for the name-based ~~criminal history~~ JUDICIAL record check must be borne by the applicant.

SECTION 49. In Colorado Revised Statutes, 26-6-106.3, **amend** (5)(e) and (6)(a) as follows:

26-6-106.3. Certification and annual recertification of foster care homes by county departments and licensed child placement agencies - background and reference check requirements - definitions. (5) Prior to issuing a certificate or a recertification to an applicant to operate a foster care home, a county department or a child placement agency licensed under the provisions of this part 1 shall conduct the following background checks for the applicant for a certificate, a person employed by the applicant, or a person who resides at the facility or the home:

(e) When the results of a fingerprint-based criminal history record check or any other records check performed pursuant to this subsection (5) reveal a record of arrest without a disposition, the county department or child placement agency shall require the person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

(6) A county department or a child placement agency licensed under the provisions of this part 1 shall not issue a certificate to operate, or a recertification to operate, a foster care home and shall revoke or suspend a certificate if the applicant for the certificate, a person employed by the applicant, or a person who resides at the facility or home:

(a) Has been convicted of any of the crimes listed in subsection (5)(a) of this section as verified through a fingerprint-based criminal history record check, a name-based ~~criminal history~~ JUDICIAL record check, if necessary, and a check of the ICON system at the state judicial department;

SECTION 50. In Colorado Revised Statutes, 26-6-107, **amend** (1)(a)(I.5)(C) and (1)(a.7)(I)(E) as follows:

26-6-107. Investigations and inspections - local authority - reports - rules. (1) (a) (I.5) Rules promulgated by the state board pursuant to subsection (1)(a)(I) of this section must also include:

(C) When the results of an investigation performed pursuant to subsection (1)(a)(I) of this section or this subsection (1)(a)(I.5) reveal a record of arrest without a disposition, a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

(a.7)(I) For all applicants applying to be a foster care home or kinship foster care home, regardless of reimbursement, the county department or child placement agency shall require each adult who is eighteen years of age or older and who resides in the home to obtain a fingerprint-based criminal history record check through the Colorado bureau of investigation and the federal bureau of investigation. The applicant must provide the county department or child placement agency with the addresses where the applicant and any adult residing in the home has lived in the preceding five years, including addresses from other states. The county department or the child placement agency shall conduct the following background checks of the applicant or an adult residing in the home:

(E) When the results of a fingerprint-based criminal history record check performed pursuant to this subsection (1)(a.7)(I) reveal a record of arrest without a disposition, a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 51. In Colorado Revised Statutes, 26-6-120, **amend** (1.5) and (5) as follows:

26-6-120. Exempt family child care home providers - fingerprint-based criminal history record check - child care assistance program money - temporary care - rules - definitions. (1.5) (a) When the results of an FCC performed pursuant to subsection (1) of this section reveal a record of arrest without a disposition, the state department shall require that person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

(b) A person who undergoes a name-based ~~criminal history~~ JUDICIAL record check shall pay to the state department a fee established by rule of the state board pursuant to subsection (5) of this section to offset the costs associated with performing the name-based ~~criminal history~~ JUDICIAL record check.

(5) The state board shall promulgate rules to establish the amount of the fee to collect from a qualified provider or qualified adult who is subject to an FCC pursuant to subsection (1) of this section or a name-based ~~criminal history~~ JUDICIAL record check pursuant to subsection (1.5) of this section. The state department is authorized to collect the fee at the time of the FCC or name-based ~~criminal history~~ JUDICIAL record check.

SECTION 52. In Colorado Revised Statutes, 27-90-111, **amend** (4) as follows:

27-90-111. Employment of personnel - screening of applicants - disqualifications from employment - contracts - rules - definitions. (4) Prior to the department's permanent employment of a person in a position that would require that person to have direct contact with a vulnerable person, the executive director or any division head of the department shall make an inquiry to the director of the Colorado bureau of investigation to ascertain whether the person has a criminal history. The person's employment is conditional upon a satisfactory state and national fingerprint-based criminal history record check. A ~~criminal history~~ record check conducted pursuant to this subsection (4) must include but need not be limited to arrests, conviction records, and the disposition of any criminal charges. The

department shall require the person to have ~~his or her~~ THE PERSON'S fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so by the applicant. The department shall forward those fingerprints to the Colorado bureau of investigation for the purpose of fingerprint processing utilizing the files and records of the Colorado bureau of investigation and the federal bureau of investigation. When the results of a fingerprint-based criminal history record check of a person performed pursuant to this section reveal a record of arrest without a disposition, the department shall require that person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The department shall pay for the costs of ~~criminal history~~ record checks conducted pursuant to this section out of existing appropriations.

SECTION 53. In Colorado Revised Statutes, 35-61-104, **amend** (1)(c) as follows:

35-61-104. Registration - cultivation of industrial hemp - research and development growth - hemp management plan - rules. (1) (c) With the submission of an application for registration, each key participant shall submit a complete set of fingerprints to the Colorado bureau of investigation or the department for the purpose of conducting fingerprint-based criminal history record checks. If received by the department, the department shall submit the fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting a fingerprint-based criminal history record check. Upon completion of the FINGERPRINT-BASED criminal history record check, the bureau shall forward the results to the commissioner. ~~The department may acquire~~ WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE A KEY PARTICIPANT TO SUBMIT a name-based ~~criminal history~~ JUDICIAL record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d). ~~for a key participant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~ The commissioner shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether a key participant is qualified to be registered. The key participant shall pay the costs associated with the fingerprint-based criminal history record check.

SECTION 54. In Colorado Revised Statutes, 40-10.1-110, **amend** (1.5), (3) introductory portion, (3)(c) introductory portion, (4), and (7) as follows:

40-10.1-110. Record check - rules. (1.5) When the results of a fingerprint-based criminal history record check of an individual performed pursuant to this section reveal a record of arrest without a disposition, the commission shall require the individual to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The individual shall pay the costs associated with a name-based ~~criminal history~~ JUDICIAL record check.

(3) An individual whose ~~criminal history~~ record is checked pursuant to this section is disqualified and prohibited from driving motor vehicles for the motor carrier described in subsection (1) of this section if the ~~criminal history~~ record check reflects that:

(c) Within the two years immediately preceding the date the ~~criminal history~~ record check is completed, the individual was:

(4) The commission shall consider the information resulting from the ~~criminal history~~ record check in its determination as to whether the individual has met the standards set forth in section 24-5-101 (2). ~~C.R.S.~~

(7) The commission shall, consistent with the requirements of this section, promulgate rules concerning the employment of, contracting with, and retention of an individual whose ~~criminal history~~ record is checked pursuant to this section, and the frequency and circumstances requiring resubmission of fingerprints.

SECTION 55. In Colorado Revised Statutes, 42-1-224, **amend** (2) as follows:

42-1-224. Record check. (2) When the results of a fingerprint-based criminal history record check of a person performed pursuant to this section reveal a record of arrest without a disposition, the department shall require the person to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The department shall pay the costs associated with a name-based ~~criminal history~~ JUDICIAL record check.

SECTION 56. In Colorado Revised Statutes, 44-3-307, **amend** (3)(c) introductory portion as follows:

44-3-307. Persons prohibited as licensees - definition. (3) (c) At the time of the application for a license, the applicant shall submit fingerprints and file personal history information concerning the applicant's qualifications for a license on forms prepared by the state licensing authority. The state and local licensing authorities shall submit ~~such~~ THE fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. ~~An applicant who has previously submitted fingerprints for alcohol beverage licensing purposes may request that the fingerprints on file be used.~~ When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition, the licensing authority shall require the applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d). The licensing authorities shall use the information resulting from the fingerprint-based CRIMINAL HISTORY RECORD CHECK and, if applicable, name-based ~~criminal history~~ JUDICIAL record check to investigate and to determine if an applicant is qualified for a license pursuant to this article 3 and article 4 of this title 44. The licensing authority ~~is not prohibited from verifying~~ MAY VERIFY any of the information required to be submitted by an applicant pursuant to this section. An applicant shall not be required to submit additional information beyond that required in this subsection (3) unless the licensing authority has determined any of the following:

SECTION 57. In Colorado Revised Statutes, 44-10-307, **amend** (4)(c) as follows:

44-10-307. Persons prohibited as licensees - definition. (4) (c) At the time of filing an application for issuance or renewal of a state medical marijuana business license or retail marijuana business license, an applicant shall submit a set of his or her fingerprints and file personal history information concerning the applicant's qualifications for a state license on forms prepared by the state licensing authority. The state or local licensing authority or local jurisdiction shall submit the fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. ~~THE WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE state or local licensing authority or local jurisdiction may acquire~~ SHALL REQUIRE AN APPLICANT OR A LICENSE HOLDER TO SUBMIT A name-based ~~criminal history~~ JUDICIAL record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d). ~~for an applicant or a license holder who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable. An applicant who has previously submitted fingerprints for state or local licensing purposes may request that the fingerprints on file be used.~~ The state or local licensing authority or local jurisdiction shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether an applicant is qualified to hold a state or local license pursuant to this article 10. The state or local licensing authority or local jurisdiction may verify any of the information an applicant is required to submit.

SECTION 58. In Colorado Revised Statutes, 44-20-118, **amend** (8)(a.5) as follows:

44-20-118. Application - prelicensing education - fingerprint-based criminal history record check - rules. (8) (a.5) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (8) reveal a record of arrest without a disposition, the department shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 59. In Colorado Revised Statutes, 44-20-417, **amend** (8)(a.5) as follows:

44-20-417. Application - fingerprint-based criminal history record check - rules. (8) (a.5) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (8) reveal a record of arrest without a disposition, the department shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 60. In Colorado Revised Statutes, 44-30-510, **amend** (3)(b) as follows:

44-30-510. Applicants and licensees - providing information - criminal

history record check. (3) (b) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (3) reveal a record of arrest without a disposition, the commission shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 61. In Colorado Revised Statutes, 44-30-1606, **amend** (3)(b) and (4) as follows:

44-30-1606. Licensing - rules. (3) (b) The director is governed by section 24-5-101 in considering the conviction or plea of nolo contendere to a felony for any individual subject to a ~~criminal history~~ record check pursuant to subsection (4) of this section.

(4) With the submission of an application for a license granted pursuant to this section, each applicant and its officers, directors, and general partners shall submit a complete set of ~~his or her~~ THE PERSON'S fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. ~~A person who has previously submitted fingerprints for state or local licensing purposes may request the use of the fingerprints on file.~~ The director shall require a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for a person who has ~~twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable or when the results of a fingerprint-based criminal history record check of a person performed pursuant to this subsection (4) reveal a record of arrest without a disposition.~~ The director shall use the information resulting from the fingerprint-based CRIMINAL HISTORY RECORD CHECK or name-based ~~criminal history~~ JUDICIAL record check to investigate and determine whether an applicant is qualified to hold a license pursuant to this section. The director may verify the information an applicant is required to submit. The applicant shall pay the costs associated with the fingerprint-based criminal history record check to the Colorado bureau of investigation. The applicant is responsible for the costs associated with a name-based ~~criminal history~~ JUDICIAL record check.

SECTION 62. In Colorado Revised Statutes, 44-32-503, **amend** (4)(b) as follows:

44-32-503. Rules of commission - licensing - record check. (4) (b) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (4) reveal a record of arrest without a disposition, the commission shall require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 63. In Colorado Revised Statutes, 44-40-106, **amend** (10)(a.5) as follows:

44-40-106. Contractors supplying services, equipment, or materials - gaming equipment - disclosures - record check - definitions. (10) (a.5) When the results of a fingerprint-based criminal history record check of a supplier performed

pursuant to this subsection (10) reveal a record of arrest without a disposition, the division shall require the supplier to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 64. In Colorado Revised Statutes, 44-40-107, **amend** (11)(a.5) as follows:

44-40-107. Licenses. (11) (a.5) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (11) reveal a record of arrest without a disposition, the division shall require the applicant to submit to a name-based ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

SECTION 65. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: April 21, 2022